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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 THOMAS W. MCNAMARA, as the Court-  
Appointed Monitor for AMG Capital  
13 Management, LLC; BA Services LLC; Black  
Creek Capital Corporation; Broadmoor Capital  
14 Partners, LLC; Park 269, LLC; C5 Capital  
LLC; DF Services Corp.; DFTW Consolidated  
15 [UC] LLC; Impact BP LLC; Level 5 Apparel  
LLC; Level 5 Capital Partners LLC; Level 5  
16 Eyewear LLC; Level 5 Motorsports, LLC;  
Level 5 Scientific LLC; NM Service Corp.  
17 (f/k/a/ National Money Service); PSB Services  
LLC; Real Estate Capital LLC (f/k/a/ Rehab  
18 Capital I, LLC); Sentient Technologies; ST  
Capital LLC; Westfund LLC; Eclipse  
19 Renewables Holdings LLC; Scott Tucker  
Declaration of Trust, dated February 20, 2015;  
20 West Race Cars, LLC; and Level 5  
Management LLC; and their successors,  
21 assigns, affiliates, and subsidiaries,

22 Plaintiff,

23 v.

24 LINDA HALLINAN, an individual;  
CAROLYN HALLINAN, an individual;  
DOES I-X; and ROE CORPORATIONS I-X,

25 Defendants.  
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Case No. 2:17-cv-02967-GMN-BNW

**JOINT STIPULATION AND ORDER TO  
AMEND THE DISCOVERY PLAN AND  
SCHEDULING ORDER**

**(Fifth Request)**

Defendant Carolyn Hallinan and Plaintiff hereby stipulate and agree to an extension to the dates and deadlines set forth in the discovery plan and scheduling order (ECF No. 27, as amended, ECF Nos. 39, 67, 75).<sup>1</sup> The earliest deadline set forth in the current Scheduling Order is the fact discovery cutoff date of May 24, 2019. ECF No. 75. On May 3, 2019, Defendant filed a motion to amend the discovery schedule in the present case (ECF Nos. 81-82) and in the related case of *McNamara v. Charles Hallinan, et al.*, Case No. 2:17-cv-02966-GMN-NJK (See ECF No. 88 therein.). Plaintiff opposed both motions. In the *Charles Hallinan* matter, Defendant's motion was granted (See ECF No. 91 therein) and, among other deadlines, fact discovery was extended to June 30, 2019. A copy of the Order Granting Defendant's Motion to Extend in the *Charles Hallinan* matter is attached hereto as Exhibit A. The parties now respectfully request that the same extension be granted in the present action. The parties have requested previous extensions of the discovery scheduling order.

Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, LR IA 6-2, and LR 26-4, Defendant Carolyn Hallinan and Plaintiff stipulate to extend certain dates included in the Court's Scheduling Order regarding this case's discovery plan.

#### Completed Discovery

The following discovery has occurred:

Plaintiff has served Defendants with the following items:

1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
2. First Set of Interrogatories;
3. Second Set of Interrogatories;
4. First Set of Requests for Production of Documents;
5. First Set of Requests for Admissions;
6. Responses to Defendants' First Set of Interrogatories;
7. Responses to Defendants' First Set of Requests for Production;
8. First Production of Documents;

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<sup>1</sup> The term "LR" means and refers to the Local Rules of Civil Practice for the United States District Court for the District of Nevada. All references to "ECF No. \_\_\_" are to the numbers assigned to the documents as they appear on the particular case docket maintained by the clerk of the court.

9. Notice of Deposition for Linda Hallinan;
10. Notice of Deposition for Carolyn Hallinan; and
11. Expert Report.

Defendants have served Plaintiff with the following items:

1. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1);
2. Responses to Plaintiff's First Set of Interrogatories;
3. Responses to Plaintiff's First Set of Requests for Production;
4. Responses to Plaintiff's First Set of Requests for Admission;
5. First Set of Interrogatories; and
6. First Set of Requests for Production of Documents.

#### Incomplete Discovery

Relatively little discovery remains beyond several depositions. Plaintiff and Defendants have completed their document productions. Party depositions have yet to take place, as dates previously set were moved to accommodate Carolyn Hallinan's need to attend to a medical procedure for her daughter.

#### A. Reasons to Extend Discovery Deadlines

Carolyn Hallinan and Plaintiff request an extension of the current fact discovery deadline for the limited purpose of scheduling and conducting party depositions, and the third-party deposition of Charles Hallinan. The facts of this case are complex and involve the payday lending businesses of Scott Tucker, which spanned more than a decade and which have been extensively litigated in a number of fora. Additionally, the case itself has been ongoing for a little more than a year and has its own history. Carolyn Hallinan (who resides in Boston, Mass.) was scheduled to appear for her deposition in Philadelphia, Pa. on May 17, 2019. However, Ms. Hallinan's daughter requires eye surgery on May 21, 2019, and is unable to travel to Philadelphia on May 17 due to the surgery and a necessary pre-op appointment on May 16, both in Boston. In addition to the depositions of Linda and Carolyn Hallinan in the present case, the Monitor is also seeking their depositions as third-party witnesses in a similar lawsuit brought by the Monitor that is pending before the Court (*McNamara v. Charles Hallinan, et al.*, No 2:17-cv-02966-GMN-NJK

(D. Nev.)). As Linda and Carolyn Hallinan will be deposed in both matters and necessitate cross-country travel, the parties are working together to schedule these depositions in the most efficient and cost-effective manner. This requested extension of discovery will allow the parties sufficient time to complete the necessary depositions and then resolve any related discovery issues should they arise.

B. Proposed Schedule for Completing All Remaining Discovery

Defendant Carolyn Hallinan and Plaintiff seek to amend the Scheduling Order as follows:

	<b>Current Date</b>	<b>Proposed New Date</b>
1. <b>Fact discovery cut-off</b>	May 24, 2019	June 30, 2019
2. <b>Expert discovery cut-off</b>	December 20, 2018	December 20, 2018
3. <b>Interim status report</b>	October 22, 2018	October 22, 2018
4. <b>Expert disclosures</b>	October 22, 2018	October 22, 2018
5. <b>Rebuttal expert designations</b>	November 21, 2018	November 21, 2018
6. <b>Dispositive motions</b>	August 9, 2019	September 13, 2019
7. <b>Pretrial order*</b>	September 13, 2019	October 18, 2019

\* In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.

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**III. CONCLUSION**

For the above-stated reasons, Plaintiff and Carolyn Hallinan respectfully stipulate and respectfully request that this Court enter an Order granting this Stipulation to Amend the Discovery Plan and Scheduling Order using the new deadlines noted above.

Dated: May 10, 2019

Dated: May 10, 2019

**McNamara Smith LLP**

**Semenza Kircher Rickard**

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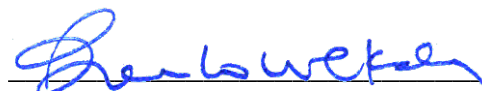
*Attorneys for Court-Appointed Monitor,  
Thomas W. McNamara*

*Attorneys for Defendant Carolyn Hallinan*

**IT IS SO ORDERED.**

**IT IS FURTHER ORDERED** that the Motion to Amend Scheduling Order (ECF No. 81) is **MOOT** based upon the entry of this stipulation.

Dated: May 14, 2019

  
Brenda Weksler  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I am employed by the law firm of Semenza Kircher Rickard in Clark County, Nevada. I am over the age of 18 and not a party to this action. The business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

On the 10th day of May 2019, I served the document(s), described as:

**STIPULATION AND ORDER TO AMEND THE DISCOVERY PLAN AND  
SCHEDULING ORDER  
(Fifth Request)**

☒ by sending ☐ an original ☒ a true copy

☒ a. via **CM/ECF System** (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

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☐ b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Semenza Kircher Rickard's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day, which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

☐ c. **BY PERSONAL SERVICE.**

☐ d. **BY DIRECT EMAIL.**

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1 ☐ e. **BY FACSIMILE TRANSMISSION.**

2 I declare under penalty of perjury that the foregoing is true and correct.

3  
4 /s/ Olivia A. Kelly

5 An Employee of Semenza Kircher Rickard  
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# **EXHIBIT A**

# **EXHIBIT A**



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THOMAS W. MCNAMARA,  
Plaintiff(s),

v.

CHARLES M. HALLINAN, et al.,  
Defendant(s).

Case No.: 2:17-cv-02966-GMN-NJK

**Order**

[Docket No. 88]

Pending before the Court is Defendants' motion to extend deadlines in the scheduling order. Docket No. 88. Plaintiff filed a response in opposition, which acknowledges that at least one of the depositions remaining is scheduled to occur after the fact discovery cutoff. Docket No. 90 at 2. The Court does not require a reply. For good cause shown, the motion to extend is **GRANTED** and deadlines are **SET** as follows:

- Interim status report: closed
- Expert disclosures: closed
- Rebuttal expert disclosures: closed
- Expert discovery cutoff: May 24, 2019
- Fact discovery cutoff: June 30, 2019
- Dispositive motions: September 13, 2019
- Joint proposed pretrial order: October 18, 2019, or 30 days after resolution of any dispositive motions

IT IS SO ORDERED.

  
Nancy J. Koppe  
United States Magistrate Judge